

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

|                      |   |              |
|----------------------|---|--------------|
| DENISE CRUMP         | : | CIVIL ACTION |
|                      | : |              |
| v.                   | : |              |
|                      | : |              |
| NANCY GIROUX, et al. | : | NO. 10-5659  |

ORDER

AND NOW, this 23rd day of November, 2011, upon consideration of the Petition for Writ of Habeas Corpus, the Commonwealth's Response and Substituted Response thereto, after review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells, and after review of a letter from the petitioner received on November 21, 2011, IT IS HEREBY ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The petitioner's objections are OVERRULED;
3. The Petition for Writ of Habeas Corpus is DISMISSED without an evidentiary hearing;
4. Petitioner has not met the statutory requirements to have her case heard, and no reasonable jurist could find this procedural ruling debatable; thus a certificate of appealability is DENIED.
5. The Clerk of Court is directed to mark this case CLOSED for statistical purposes.

The petitioner submitted a letter with enclosures which the Court received on November 21 and will treat as properly filed written objections to the Report and Recommendation.

The Report and Recommendation concluded that the petition is time-barred under the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") because it was filed nearly thirteen years after the applicable limitations period expired. The Report and Recommendation also concluded that the petitioner is not entitled to tolling of the limitations period because she has not demonstrated reasonable diligence in pursuing her claims or that the respondents have actively misled her.

The petitioner, in her letter received on November 21, 2011, states that she has reformed herself in prison and that she is prepared to make responsible choices in her life. The Court is not without sympathy for these arguments. However, the Court agrees with the Report and Recommendation that the petitioner has not, in her prior filings or the letter, raised arguments that entitle her to relief under the standards set forth in the AEDPA limitations or its exceptions as articulated by the Supreme Court in Holland v. Florida, 130 S. Ct. 2549, 2560 (2010). In her letter the petitioner has not argued that the respondents have actively misled her in the pursuit of her rights, nor has she adduced any evidence that demonstrates that she has pursued her claims with reasonable diligence. The Court thus denies the

petition.

BY THE COURT:

/s/ Mary A. McLaughlin  
MARY A. McLAUGHLIN, J.